

Notice of Allowability

Application No.

10/511,727

Examiner

Bobbak Safaipoor

Applicant(s)

NISHIO, AKIHIKO

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment After Non-Final Rejection dated 1/17/2007.
2. ☒ The allowed claim(s) is/are 9-11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Notice of Allowability

Claims 9-11 are allowed.

The following is an examiner's statement of reasons for allowance:

Consider independent **claims 9 and 11**, the best prior art of record during the examination of the present application, **Kim et al (US Patent Application Publication #2002/0061764 A1)** in view of **English (United States Patent #7,058,035 B2)** and in further view of **Hamabe (US Patent Application Publication #2002/0115467)**, fails to specifically disclose, teach, or suggest a control section that sets a transmission power of the downlink second dedicated channel at a sum of the transmission power of the downlink first dedicated channel and an offset $\Delta P = \sum P_i / P_1$, where P_i is a reception power of a pilot channel at a communication terminal apparatus from each base station i to which the first dedicated channel is connected and P_1 is a reception power of a pilot channel at the communication terminal apparatus from the base station to which the first dedicated channel and the second dedicated channel are connected.

Kim et al, as modified by English, teaches a wireless communication system having a first channel to which soft handover applies and a second channel to which hard handover applies, wherein setting a transmission power of the second channel at a sum of the transmission power of the first channel and an offset. Hamabe discloses that the offset value (Δ) is communicated in advance from the radio network controller RNC, also known as a base station

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controller, by DPCH 1 (DL). However, Kim et al, as modified by English and Hamabe, fail to disclose an offset $\Delta P = \sum P_i / P_1$ P_i is a reception power of a pilot channel at a communication terminal apparatus from each base station i to which the first dedicated channel is connected and P_1 is a reception power of a pilot channel at the communication terminal apparatus from the base station to which the first dedicated channel and the second dedicated channel are connected.

Claim 10 is allowable because it is dependent upon claim 9.

These teachings clearly differ from the claimed invention, therefore, claims 9-11 of the present application are considered novel and nonobvious over the prior art and, consequently, are allowed.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bobbak Safaipoor whose telephone number is (571) 270-1092. The Examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Bobbak Safaipoor
B.S./bs

February 1, 2007

EDAN ORGAD
PRIMARY PATENT EXAMINER

Edan Orgad 2/4/07